

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CLIFFORD T. NEWMAN,	:	
Petitioner,	:	
v.	:	Civil Action No. 05-444J
GEORGE PATRICK, SUPERINTENDENT,	:	
S.C.I. HOUTZDALE,	:	
Respondent	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on December 1, 2005, docket no. 2, recommending that the petition be transferred to the Court of Appeals for the Third Circuit as an application for authorization to file a successive habeas corpus petition.

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed objections on December 7, 2005, docket no. 3, which are not meritorious.

After de novo review of the record of this matter together with the Report and Recommendation and the timely objections thereto, the following order is entered:

AND NOW, this 20th day of December, 2005, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied without prejudice, and the Clerk is directed to forward the petition to the Court of Appeals for the Third Circuit as an application for authorization to file a successive habeas corpus petition. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

cc:

Clifford T. Newman AT-0783
S.C.I. Houtzdale
P.O. Box 1000
Houtzdale, PA 16698-1000